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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/689,042	10/21/2003	Bakul Patel	60937-0152-US	4500
9629 7590 04/06/2007 MORGAN LEWIS & BOCKIUS LLP 1111 PENNSYLVANIA AVENUE NW WASHINGTON, DC 20004			EXAMINER ALANKO, ANITA KAREN	
			ART UNIT	PAPER NUMBER
			1765	
SHORTENED STATUTORY PERIOD OF RESPONSE		MAIL DATE	DELIVERY MODE	
3 MONTHS		04/06/2007	PAPER	

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/689,042

Applicant(s)

PATEL

Examiner

Anita K. Alanko

Art Unit

1765

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 3/12/07 amdt.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 8-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 8-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 3/12/07 has been entered.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 8-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Scherber et al (US 5,858,813) in view of Wang et al (US 6,569,349 B1).

Scherber discloses a method comprising:

polishing (which comprises chemically etching) a TiW layer (col.10, lines 15-20) with a composition comprising water (col.6, lines 29-35) and from about 0.5%-15% by weight of periodic acid (col.5, line 8, 32-34; the range encompasses the cited range) for a time and a temperature sufficient to cause the composition to remove at least a portion of the TiW alloy.

Scherber does not explicitly how the TiW barrier layer polishing step is used in combination with other steps, such as etching to form a residue and cleaning afterwards.

However, these steps are suggested. For example, Scherber teaches that typically a first layer is planarized to expose the surface of a non-planar second layer (col.1, lines 35-37).

Wang teaches a method that gives more specific examples of the method disclosed by Scherber, i.e. CMP/polishing a copper layer selectively to a barrier/TiW layer (col.6, lines 49-52) with a first slurry (col.8, lines 9-13), and then removing the barrier/TiW layer with a second selective slurry (col.8, lines 20-25). This encompasses the cited steps of providing a substrate comprising an exposed TiW alloy layer and etching the TiW alloy by a method which results in formation of chemical etch residue. Residues are inherent in the etching process since the same method steps are conducted as in the instant invention.

It would have been obvious to one with ordinary skill in the art to provide a substrate comprising an exposed TiW alloy layer and etching the TiW alloy by a method which results in formation of etching residue in the method of Scherber because Wang teaches that this is a useful technique for planarizing substrates to enable ULSI.

Scherber does not explicitly disclose the pH of the composition, however since it comprises an acid, it is expected to be acidic. Wang also teaches that it is useful to vary the pH according to what is being polished (col.6, lines 10-17).

It would have also been obvious to use the composition at a pH of less than about 7 because Wang teaches that it is useful to vary the pH, and thus the pH appears to reflect a result-effective variable that can be optimized. See MPEP 2144.05 IIB.

Since the composition of Scherber is the same as the instant invention, the modified method of Scherber inherently has the same results of the removal rate of TiW alloy and residue

thereof that is greater than a removal rate of Al, Cu or an AlCu alloy. This is also desired in order to preserve the integrity of the metal lines.

It would have been still further obvious to rinse the substrate in the modified method of Scherber in order to provide for a clean product, which improves the yield of the final product.

As to claims 9-11, since the composition of Scherber is the same as in the instant invention, it is expected to have the same selectivity.

As to claims 12-13, it is well known that the temperature affects the reaction rate, therefore it would have been obvious to use the compositions at the temperatures cited because the temperature appears to reflect a result-effective variable that can be optimized. See MPEP 2144.05 IIB.

As to claim 14, Wang teaches that solutions that comprise hydrogen peroxide (col.5, lines 65-67) are conventional in CMP solutions. It would have been obvious to one with ordinary skill in the art to use hydrogen peroxide in the modified method of Scherer because Wang teaches that this is a useful, conventional solution for CMP.

As to claims 15-19, see the rejection of claims 9-13.

Response to Amendment

The claims remain rejected over Scherber et al and Wang et al. Scherber discloses CMP of TiW with periodic acid.

Response to Arguments

Applicant's arguments filed 3/12/07 have been fully considered but they are not persuasive. Examiner acknowledges the phone interview in which the addition of "chemically" etching was said to distinguish the claim. However, upon further consideration, CMP includes chemical etching, and therefore the open comprising language of the claim includes CMP. Applicant could include a limitation similar to "not employing chemical-mechanical polishing" or "without mechanical removal" to overcome the rejection. However, the issue of new matter would need to be addressed.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Zeidler is cited to show that the TiW polish rate (when polished in the presence of Cu) is greater than copper (comparing Fig.7 and Fig.8).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anita K. Alanko whose telephone number is 571-272-1458. The examiner can normally be reached on Mon-Fri until 2:30 pm (Wed until 11:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nadine Norton can be reached on 571-272-1465. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Anita K. Alanko
Anita K Alanko
Primary Examiner
Art Unit 1765